

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

VICTOR LAMAR O'NEAL,

Plaintiff

VS.

MATT INGRAM, *et al.*,

Defendants

NO. 5:08-CV-76 (HL)

**PROCEEDINGS UNDER 42 U.S.C. §1983  
BEFORE THE U. S. MAGISTRATE JUDGE**

<b>O R D E R</b>
------------------

Plaintiff herein has requested this court to provide legal representation for him in the above-captioned proceeding. Tab #21. Generally speaking, no right to counsel exists in §1983 actions. *Wahl v. McIver*, 773 F.2d 1169, 1174 (11<sup>th</sup> Cir. 1985); *Hardwick v. Ault*, 517 F.2d 295, 298 (5<sup>th</sup> Cir. 1975); *Meckdeci v. Merrell National Laboratories*, 711 F.2d 1510, 1522 n.19 (11<sup>th</sup> Cir. 1983). It is a privilege that is justified only by exceptional circumstances. *Lopez v. Reyes*, 692 F.2d 15, 17 (5<sup>th</sup> Cir. 1982); *Branch v. Cole*, 686 F.2d 264, 266 (5<sup>th</sup> Cir.1982); *Ulmer v. Chancellor*, 691 F.2d 209 (5<sup>th</sup> Cir. 1982).

In deciding whether legal counsel should be provided, the court typically considers, among other factors, the merits of the plaintiff's claim and the complexity of the issues presented. *See Holt v. Ford*, 862 F.2d 850, 853 (11<sup>th</sup> Cir. 1989). Applying the standards set forth in *Ulmer, supra*, it appears that at the present time, the essential facts and legal doctrines in this case are ascertainable by the plaintiff without the assistance of court-appointed legal counsel and that the existence of exceptional circumstances has not been shown by the plaintiff. The court on its own motion will consider assisting plaintiff in securing legal counsel if and when it becomes apparent that legal assistance is required in order to avoid prejudice to his rights.

Accordingly, plaintiff's motion seeking appointment of legal counsel (Tab #21) is **DENIED** at this time.

Also pending before the court is the defendants' MOTION TO DISMISS filed on June 10, 2008. Tab #18. On June 11, 2008, the undersigned directed plaintiff O'Neal to file a response to the defendants' motion within 20 days of receipt of the order. Tab #20. In light of the fact that plaintiff's subsequently filed motion seeking appointment of legal counsel has been denied, and in an effort to allow the plaintiff a fair opportunity to respond to the MOTION TO DISMISS, the plaintiff shall have until **July 25, 2008**, to file a response to defendants' motion.

SO ORDERED AND DIRECTED, this 2<sup>nd</sup> day of JULY, 2008.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr." The signature is fluid and cursive, with the first name "Claude" being the most prominent.

CLAUDE W. HICKS, JR.  
UNITED STATES MAGISTRATE JUDGE